UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIGIPROTECT USA CORP.,

     Plaintiff,

v.

DOES 1 – 240,

     Defendants.

No. 10-cv-008760-PAC-HP

[PROPOSED] ORDER

Upon consideration of Third-Party Comcast Cable Communications Management, LLC's ("Comcast") Motion to Modify the November 29, 2010 Order to Show Cause Permitting Expedited Discovery, and for a Protective Order, the memorandum in support thereof, and any opposition thereto, it is hereby

ORDERED that Defendants' Motion to Modify the November 23, 2010 Order to Show Cause Permitting Expedited Discovery is **GRANTED;** and it is further

ORDERED that the November 29, 2010 Order to Show Cause Permitting Expedited Discovery is hereby modified to provide that:

- Comcast shall not be required to perform more than 25 IP address look-ups per 30-day period;

- Comcast's subscriber shall have 30 days from the subscriber notification date in which to object and Comcast shall provide a response to plaintiff within 5 days of expiration of the subscriber response deadline with respect to that IP address, thus resulting in a rolling look-up and response process;

- Comcast shall preserve its records for the IP addresses listed in each subpoena so that the rolling responses do not cause information related to IP addresses to go beyond Comcast's 180 day retention policy; and

- Any subpoena issued by Plaintiff shall not include any IP address that is more than 180 days old as of the date of issuance of the subpoena.

It is further **ORDERED** that Defendants' Motion for a Protective Order is **GRANTED;** and it is further

ORDERED that a Protective Order is hereby entered with any subpoena served by Plaintiff on Comcast pursuant to the November 29 Order, and that any such subpoena shall be subject to the following conditions:

- Any subpoena issued by Plaintiff on Comcast shall be limited only to those IP addresses corresponding to Comcast that are listed in the complaint;

- Comcast shall not be required to perform more than 25 IP address look-ups per 30-day period;

- Comcast's subscriber shall have 30 days from the subscriber notification date in which to object and Comcast shall provide a response to plaintiff within 5 days of expiration of the subscriber response deadline with respect to that IP address, thus resulting in a rolling look-up and response process;

- Comcast shall preserve its records for the IP addresses listed in each subpoena so that the rolling responses do not cause information related to IP addresses to go beyond Comcast's 180 day retention policy;

- Any subpoena issued by Plaintiff shall not include any IP address that is more than 180 days old as of the date of issuance of the subpoena;

- Any subpoena issued by Plaintiff shall not include any IP address that is more than 180 days old as of the date of issuance of the subpoena;

- Plaintiff shall reimburse Comcast at a rate of $120 per IP address look-up, or $60 for IP addresses that link to a subscriber already identified in connection with another look-up (or that do not link at all); and

- Plaintiff shall reimburse Comcast for its look-up costs within 30 days of receiving an invoice in connection with a particular response.

It is further **ORDERED** that Plaintiff shall pay Comcast the amount of $_____ as its costs and attorneys fees incurred in making its motion.

SO ORDERED, this _____ day of _____, ____.

_____
Paul A. Crotty
United States District Judge